

REMARKS

This is in reply to the Restriction Requirement of September 9, 1999. The claims have been amended as shown above. As such, claims 1-2 and 17-26, and 28-50 are pending for examination. Support for the claims is found throughout the specification.

Formalities

Applicants note that the filing date for the instant application listed on the Examiner's action is incorrect. The correct filing date of the instant application is February 20, 1998, the date the specification was sent by Express Mail to the Patent Office. Appropriate correction is requested.

A new Power of Attorney and Change of Address is being submitted herewith. Applicants request that all future correspondences be sent to Foley & Lardner at the address listed in the Change of Address form. Applicants also direct the Examiner to the new Attorney Docket No. in the instant case.

Election

Applicants, with traverse, provisionally elect Group I (claims 1-2 and 17-25) directed to the method claims and elect the species glucose and GLP-1. Applicants submit that newly added method claims 32-35 and 40-50 correspond to Group I and should be examined therewith. The special technical feature that unites all the method claims is the use of an insulinotropic peptide or peptides parenterally for the specified conditions. This technical feature is not found in the prior art. Applicants submit that all the claims read on the elected species.

Applicants reserve the right to pursue the non-elected claims in one or more divisionals. Applicants further submit that upon the Examiner's finding that the elected species are free of the prior art, the Examiner is obligated to search a reasonable number of the remaining species.

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Applicants traverse the restriction on the grounds that a search of Group II would not be unduly burdensome to the Examiner.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 19-0741. Should a petition for extension of time under 37 C.F.R. § 1.136 be required, applicants hereby petition the Commissioner for an extension of time, and authorize the Commissioner to charge the necessary petition fee to Deposit Account No. 19-0741.

Respectfully submitted,

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Date

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